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December 20, 2017

## **VIA Electronic Mail and U.S. Mail**

The Honorable Peter Lopez  
Region 2 Regional Administrator  
US EPA Region 2  
290 Broadway  
New York, New York 10007-1866

### **Re: OU-1 Hicksville/Hempstead Groundwater Contamination NPL Site**

Dear Mr. Lopez:

I am writing on behalf of Next Millennium Realty LLC ("NMR"), a PRP for the eastern plume at the OU-1 Hicksville/Hempstead Groundwater Contamination Site ("Site"). I write to request a meeting to discuss NMR's willingness to enter into a consent decree to complete the remedial investigation and to implement the remedy for the eastern plume contamination originating from the property owned by NMR that is flowing into the Site. My client and consultants are available during the first two weeks of February, if those dates work for USEPA.

## **Background**

The Site has a long history. In summary, in the late 1990s, the New York State Department of Environmental Conservation ("NYSDEC") listed a number of commercial properties in the New Cassel Industrial Area ("NCIA") as state superfund sites. These NCIA sites are located upgradient hydro-geologically from the area now known as USEPA OU-1. See general site map at Attachment 1. USEPA OU-1 was formerly known as NYSDEC OU-3. In 2010, NYSDEC referred NYSDEC OU-3 to USEPA for inclusion on the National Priorities List ("NPL"). In September of 2011, the Site was listed by USEPA as an NPL site. In September 2013 a Record of Decision was issued by USEPA for the Site ("ROD").

## **Three Separate Plumes Identified In ROD for the Site**

The ROD identifies three separate plumes (eastern, central and western plumes) originating from the NCIA and flowing into the USEPA OU-1 Site. See plume diagram from ROD at Attachment 2. To date, USEPA has spent in excess of \$1.2 million and

NYSDEC has spent in excess of \$6 million investigating the Site. As a result, the plume locations are mostly delineated. Some additional data is necessary to completely define the plumes prior to design of the remedy.

The eastern plume originates from properties in the NCIA owned by NMR and others. The contamination was released into the environment by tenants of NMR in the 1960's and 70's. In that timeframe, there were no municipal sewers and industrial tenants routinely discharged waste to on-site septic systems. NMR has funded and conducted a cleanup of the contamination on its property and the contamination is completely contained and actively being removed by systems in place. To date, NMR has spent in excess of \$15 million on the on-site remediation.

The eastern plume is completely separate and distinct from the central and western plumes in USEPA OU-1. HDR and Obrien Gere delineated the eastern plume both horizontally and vertically for the USEPA in the July 2013 Supplemental Feasibility Study ("FS"). See eastern plume delineations at Attachment 3 from FS.

#### **Prior Negotiations with USEPA**

For more than four years, USEPA has been attempting to orchestrate a global resolution of the Site remediation with PRPs from all plume groups. Certain plume groups, notably the western plume PRPs have danced around with USEPA. Indicating its desire to cooperate while ultimately refusing to sign a consent decree. We understand the USEPA's desire for a global remedy for all three plumes. However, at some point, the benefits to the environment of cleaning up one of the three plumes should be considered by the agency.

During the last four years, NMR has repeatedly indicated its willingness to address the PCE plume originating from its property as delineated as the eastern plume in the FS and ROD. NMR has even offered to place into immediate service an existing extraction well at EX-1 as an Interim Remedial Measure. This well is in a perfect location and depth to intercept significant portions of the eastern plume.

Within the past month USEPA has offered the parties a partial cash-out for the PDI portion of the work. Upon information and belief, NMR was the only party to respond to USEPA. We declined a cash-out as we believe we can conduct the PDI and RD more cost efficiently than the USEPA proposal. NMR reiterated its commitment to address the eastern plume and to begin work immediately at the time of the declination of the partial cash-out offer.

Negotiations with USEPA has been complicated by the USEPA request that the eastern plume investigation and remediation address a deeper plume that flows deep beneath the eastern plume. About a half a mile upgradient of the NCIA, there were historic discharges by a number of parties including Verizon, General Instruments and the U.S. Atomic Energy Commission (now administered by DOD under FUSRAP). This

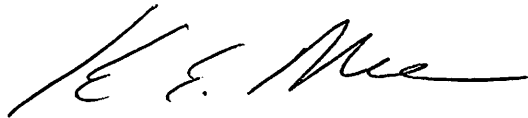
upgradient plume is a TCE predominate plume and has a clear separation from the PCE predominate eastern plume. NMR has multiple data sets to show this. Current data show more than 100 feet of vertical separation of the PCE predominate and TCE predominate plumes.

**Request for Assistance**

NMR stands ready willing and able to execute a consent decree to conduct necessary additional sampling as needed in a pre-design investigation, design a remedy and immediately place a remedy into service that addresses the PCE plume originating from the NMR property. NMR has spent money evaluating existing data and has a conceptual remedy capable of capturing the entire eastern PCE plume and remediating the eastern plume at the Site in a timely fashion. Any assistance you can lend to advance the mutually desired goal of cleaning up the eastern plume at the Site is greatly appreciated.

Thank you for your consideration of this request.

Respectfully submitted,

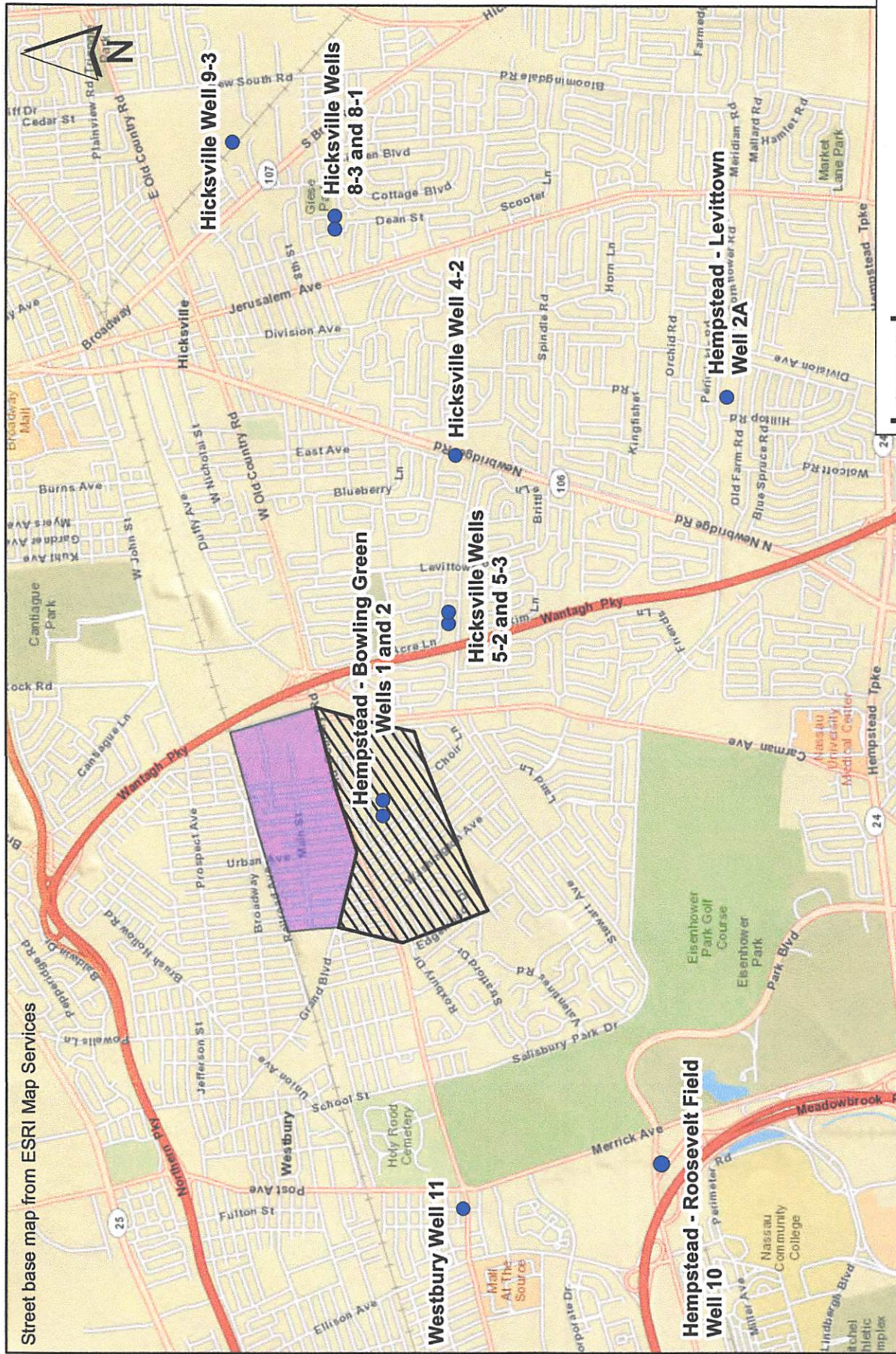
A handwritten signature in black ink, appearing to read "K. E. Maldonado", written in a cursive style.

Kevin E. Maldonado

cc: Sharon Kivowitz, Esq. (USEPA Region 2)

# **ATTACHMENT 1**





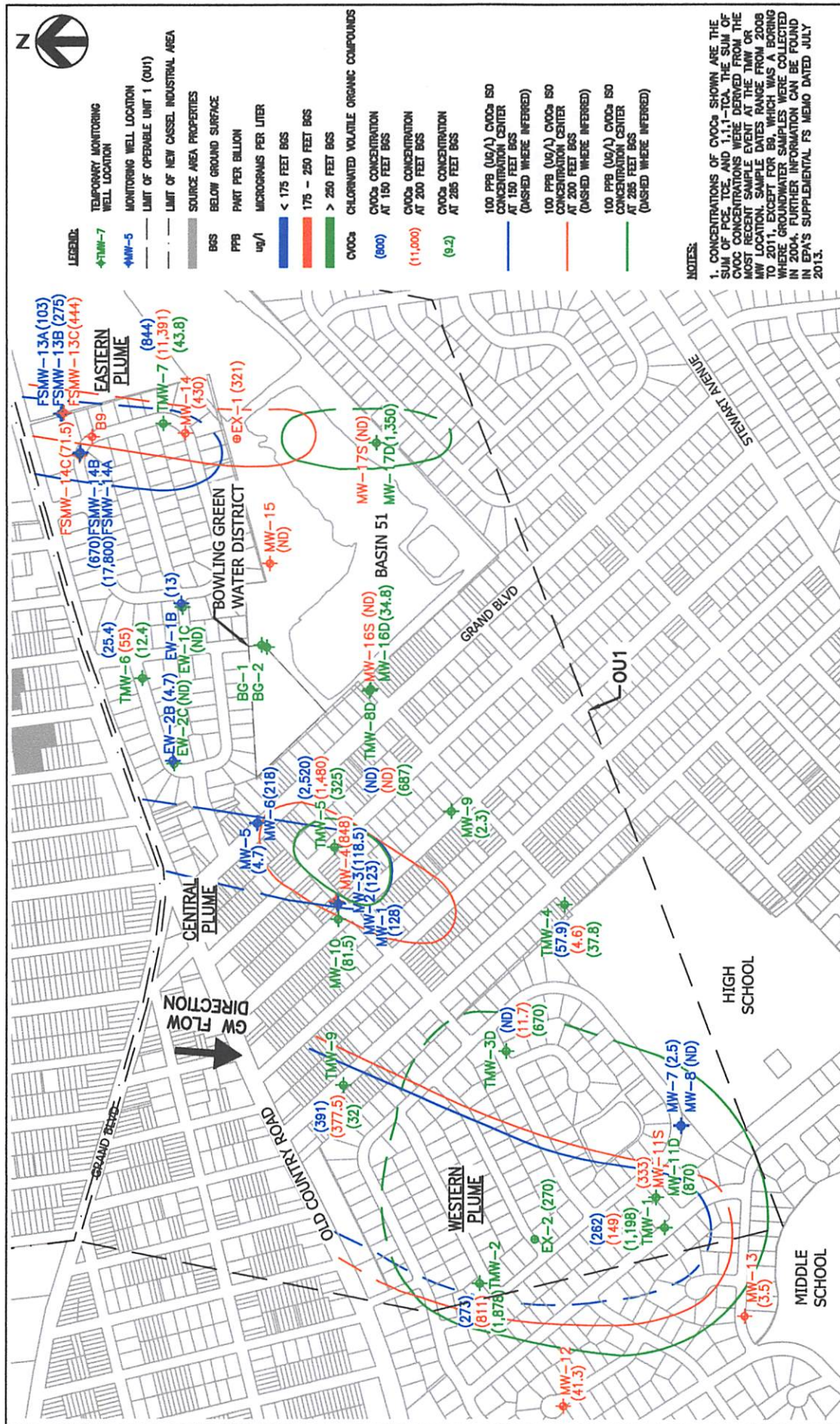
### Legend

- Water District Public Supply Well
- Operable Unit 1
- New Cassel Industrial Area

**Figure 1 - Site Location**  
**New Cassel/Hicksville Ground Water Contamination Site**

## **ATTACHMENT 2**





**CVOCs ISO-CONCENTRATION MAP**  
**NEW CASSEL/HICKSVILLE GROUND WATER**  
**CONTAMINATION SITE OU1**  
**TOWNSHIP OF NORTH HEMPSTEAD AND HEMPSTEAD,**  
**NASSAU COUNTY, NY**

DATE  
**JULY 2013**

FIGURE  
**2**

1 inch = 600 ft.

# **ATTACHMENT 3**



VIEW  
E CROSS SECTION

NEW CASTLE ROCKVILLE GROUNDWATER  
CONTAMINATION SUPERFUND SITE OPERABLE UNIT 1  
NASSAU COUNTY, NEW YORK


U.S. ARMY ENGINEER DISTRICT  
CORPS OF ENGINEERS  
KANSAS CITY, MISSOURI

Completed by	NO
Drawing made	01/23/12
Checked by	DR
Post audit	
Submitted by	CACED FSA Manual

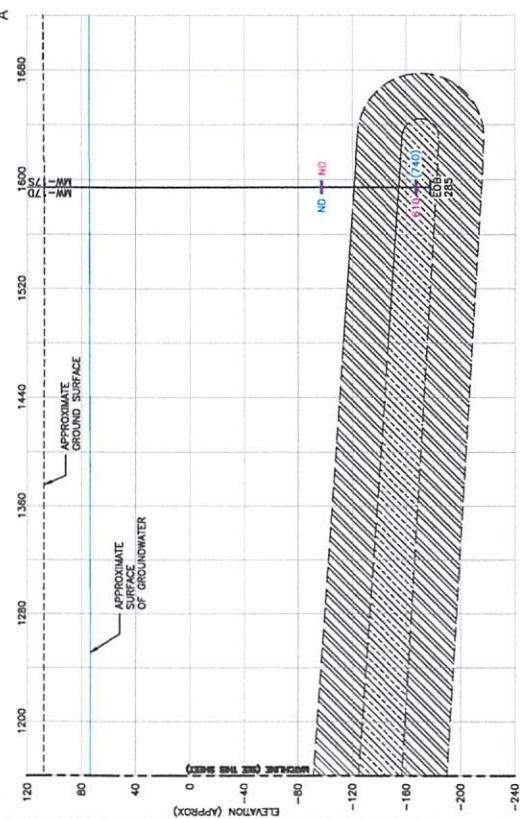
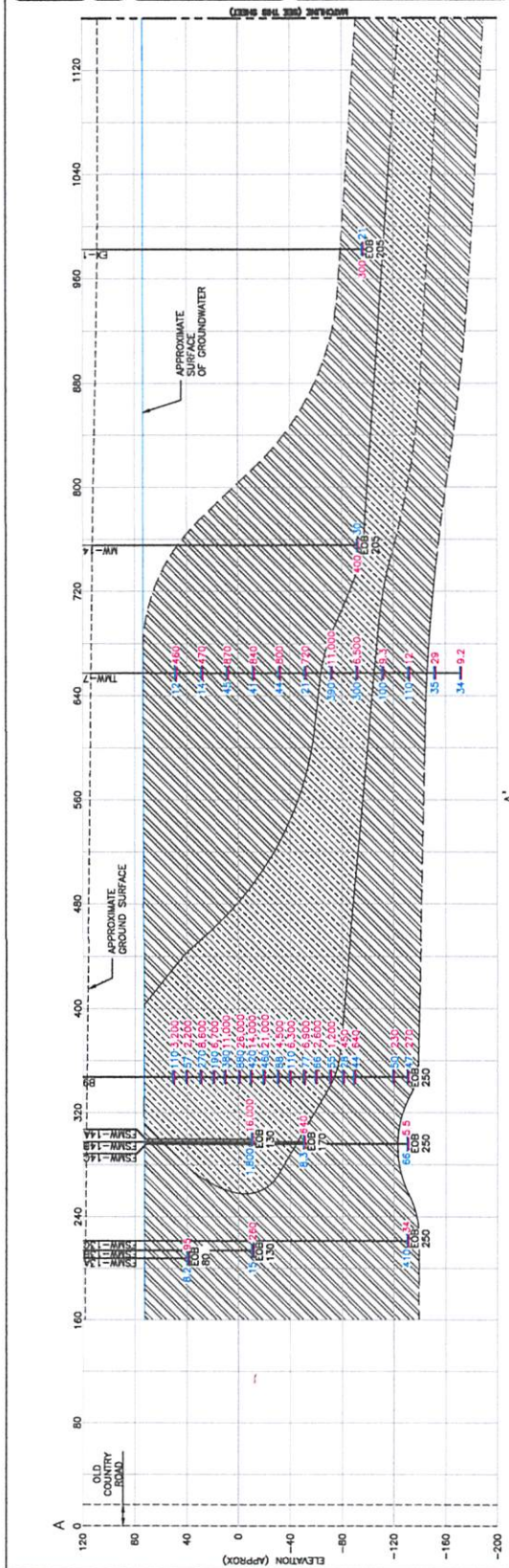
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ORIGINAL SIGNED AND SEALED BY

SIGNATURE



US Army Corps  
of Engineers •  
Kansas City District



VERTICAL GRAPHIC SCALE

A horizontal graphic scale with markings at 0, 40, and 80. The scale is represented by a series of black and white rectangular blocks of varying lengths.

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